

**Remarks**

The following remarks are responsive to the May 24, 2004, Office Action.

Claims 91-105 are pending as a result of this amendment. Claims 96-104 have been allowed and claims 106-109 have been canceled.

Claims 91-95 and claim 105 were rejected in the Office Action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner objected to the fact that the scanner was able to simultaneously conduct a reading and comparing operation. Claims 91 and 105 have been amended to clarify that the scanner reads information from a first and second bar code and then subsequently compares information. Because this amendment was made to merely clarify the operation of the claimed system, the operation the Examiner correctly assumed in order to examine the claims; the Applicant does not consider the amendment as being made for purposes of patentability. In light of this amendment, the Applicant requests that the rejection of claims 91-95 and 105 under 35 U.S.C. § 112 be withdrawn.

Claims 91-95 and 105 were also rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,561,426 (Blanford et al.). Blanford et al. discloses a system for detecting and decoding a supplemental barcode that accompanies a primary barcode. In particular, Blanford et al. discloses a secondary label that is placed over a primary label so as to partially obscure the primary label.<sup>1</sup>

Claims 91 and 105, as amended, are directed to a system where the second label is attached to the container in close proximity to the first label such that the barcode or identifying indicia on both the first and second labels are fully readable. Because Blanford et al. does not disclose a system that positions a primary and secondary label in such a manner so as to allow the indicia on both labels to be fully readable, the teaching of Blanford et al. does not render obvious the claimed invention. For this reason, the Applicant requests that the Examiner

---

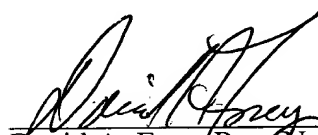
<sup>1</sup> U.S. Patent No. 6,561,426, col. 2, ll. 29-31; col. 3, ll. 4-9; col. 6, ll. 37-38.

In re Appln. of Krupa  
Application No. 09/759,875  
Response to Office Action of May 24, 2004

withdraw the rejection of claims 91, its dependent claims, and claim 105 and allow the claims to issue.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



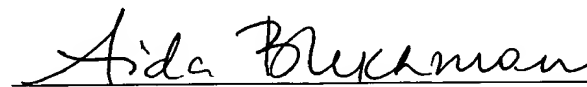
David A. Frey, Reg. No. 43,618  
GARDNER CARTON & DOUGLAS LLP  
191 N. Wacker Drive, Suite 3700  
Chicago, Illinois 60606-1698  
(312) 569-1000 (telephone)  
(312) 569-3000 (facsimile)

Date: August 19, 2004

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: August 19, 2004



Aida Blekhman